

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	Bankruptcy Case No. 19-20959 GLT
	:	
Glen H. Green and Esther L. Green,	:	Chapter 13
	:	
Debtors.	:	Document No.: _____
	:	
Glen H. Green and Esther L. Green,	:	
	:	
Movants,	:	
	:	
vs.	:	
	:	
RONDA J. WINNECOUR, CHAPTER 13	:	
TRUSTEE, UNITED STATES	:	
TRUSTEE'S OFFICE, FAYETTE	:	
COUNTY TAX CLAIM BUREAU,	:	
NEWELL BOROUGH, FRAZIER	:	
SCHOOL DISTRICT, AND MICHAEL A.	:	
CASSIN AND CHRISTINA M. CASSIN,	:	
BUYERS,	:	
	:	
Respondents.	:	

**MOTION FOR PRIVATE SALE OF REAL PROPERTY FREE AND CLEAR
OF ALL MORTGAGES, LIENS, AND ENCUMBRANCES**

AND NOW, comes the DEBTORS, GLEN H. GREEN AND ESTHER L. GREEN, by her attorneys, ZEBLEY MEHALOV & WHITE, P.C., and DANIEL R. WHITE, ESQUIRE, who files the within MOTION FOR PRIVATE SALE OF REAL PROPERTY FREE AND CLEAR OF ALL MORTGAGES, LIENS, AND ENCUMBRANCES of which the following is a statement:

1. Petitioners are the Debtors in this Chapter 13 Bankruptcy proceeding, having filed a voluntary petition for relief on March 12, 2019.
2. Among the Debtors' assets is a single family home and a lot located at 927 Newell Road, Fayette City, Fayette County, Pennsylvania, ID # 23-01-0008 ("real property").

3. The subject property is owned solely by Debtor-wife by Deed which has been recorded in the Recorder of Deeds Office of Fayette County, Pennsylvania. This property was inherited from her late father.
4. The real property to be sold is encumbered as of the date of the bankruptcy filing, by several liens identified in the Debtor's Schedules and Chapter 13 plan as follows:
 - a. PNC Bank (POC #11) - mortgage in late father's name with a payoff of \$44,684.31 less Trustee distributions, and;
 - b. Shellpoint/NewRez (POC #12) - mortgage in late father's name with a payoff of \$88,613.09, less Trustee distributions.
5. The real property to be sold may also subject to a real estate tax claim in favor of Fayette County, Pennsylvania for the year of 2021 as the current real estate taxes in an unknown amount.
6. The real property to be sold may be subject to 2021 real estate tax claim by Newell Borough and/or Frazier School District. Although said entities did not file claims in the Chapter 13 case, Newell Borough and Frazier School District are listed and served as Respondents herein.
7. The Chapter 13 Trustee, Ronda J. Winnecour, is listed herein as a Respondent for notice purposes only.
8. The Debtor-wife, as Seller, has agreed to sell, and Michael A. Cassin and Christina M. Cassin, as Buyer, has agreed to buy the Debtor-wife's interest in the real property. The total purchase price for Debtor-wife's interest in the real property is One Hundred Thirty Five Thousand Dollars(\$135,000.00). A true and correct copy of the Agreement of Sale is attached hereto and incorporated as Exhibit "A".
9. The Buyers are Pennsylvania residents, and adult individuals. They are related to the

Debtors as Debtors' Daughter and Son-in-law, but neither is an interested party nor a creditor in Debtors' bankruptcy.

10. The sale of the aforementioned interest in the real property is by General Warranty Deed and is contingent upon Debtor-wife receiving Bankruptcy Court approval of said sale.
11. The Debtors aver that the sales price is fair and reasonable under the circumstances.
12. The Debtors request that this sale be approved as it will be a substantial benefit to the Debtors, in that the Debtors required monthly payment will be greatly reduced going forward.
13. The Debtors propose this sale as a private sale with consent of the Chapter 13 Trustee pursuant to the Local Rule 6004.2 as the proceeds of the sale are estimated to satisfy the liens of record and the bankruptcy plan pays the unsecured creditors in full. A stipulation signed by the Chapter 13 Trustee to sell property without publication will be filed in this matter.
14. The Debtor-wife requests that this sale be approved as promptly as possible, and that she be authorized to consummate the sale to the purchaser named herein.
15. No realtor has been involved and/or approved by the Court in this case. No realtor commission is due.
16. Debtor's Counsel, Zebley Mehalov & White, P.C. has spent significant time related to the appointment of the Realtor and approval of this sale and requests a fee of One Thousand (\$1,000.00) Dollars to be paid from closing proceeds.

WHEREFORE, the DEBTOR, GLEN H. GREEN AND ESTHER L. GREEN, respectfully request that this Honorable Court enter an Order as follows:

1. That this Honorable Court authorize the sale of the aforementioned interest in real property upon the terms and conditions as described in the attached

Agreement of Sale;

2. That all appropriate secured claims and/or liens against this property be paid at closing;
3. That Debtors' Counsel receive requested professional fees related to the sale of this property to be paid at closing; and
4. This Honorable Court authorize the distribution of the sale proceeds as set forth in the Order attached to this Motion.

Respectfully submitted,

ZEBLEY MEHALOV & WHITE, P.C.

BY

Date: August 31, 2021

/s/ Daniel R. White

Daniel R. White

Attorney for the Debtors

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